

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                      |   |                  |
|----------------------|---|------------------|
| STEWART SMITH,       | ) |                  |
|                      | ) |                  |
| Plaintiff,           | ) |                  |
|                      | ) |                  |
| v.                   | ) | Case No. 19-1170 |
|                      | ) |                  |
| EGV COMPANIES, INC., | ) |                  |
|                      | ) |                  |
| Defendant.           | ) |                  |

**MOTION TO WITHDRAW OR STRIKE ANSWER**

COMES NOW Defendant EGV COMPANIES, Inc., (“EGV”) by and through its undersigned counsel, and WITH CONSENT of Plaintiff, hereby files its Motion to Withdraw or Strike its Answer in the above-styled cause of action, hereby states as follows:

1. Counsel for Defendant EGV was recently retained as local counsel in the above-styled cause.
2. Counsel mistakenly believed that its client was under a deadline to file EGV’s Answer to Plaintiff’s Complaint by April 22, 2019, and said Answer needed to be filed on that date.
3. Counsel subsequently filed EGV’s Answer on April 22, 2019.
4. Unbeknownst to Local Counsel at that time, other counsel for the parties have been in discussions and agreed to file a Stipulation with the Court, extending the date for EGV to file its response to Plaintiff’s Complaint, in order to continue their discussions without incurring further litigation costs.
5. Counsel for EGV hereby requests that the Court allow EGV to withdraw or strike its Answer.
6. Plaintiff consents to EGV’s Motion.

7. The parties will shortly file a Stipulation with the Court agreeing to extend the deadline for EGV to file its response to Plaintiff's Complaint.

WHEREFORE, Defendant EGV hereby requests that the Court enter an Order allowing Defendant EGV to withdraw or strike its Answer, and allow the Parties to subsequently file a Stipulation agreeing to extend the deadline for EGV to file its response to Plaintiff's Complaint, and any further Order this Court deems just and proper.

PION, NERONE, GIRMAN, WINSLOW & SMITH, P.C.

BY: /s/Timothy A. Montgomery

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 2<sup>nd</sup> day of May, 2019, the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon the following:

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